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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/876,366 | 06/07/2001 | Joseph Franklin Garvey | RAL920000123US1 | 9154 |

| 45503 | 7590 | 02/08/2005 |
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| EXAMINER |
|---|
| STEELMAN, MARY J |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2122 | |

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO 90C (Rev 10/03)

| | Application No. | Applicant(s) |
|---|---|---|
| **Advisory Action** | 09/876,366 | GARVEY, JOSEPH FRANKLIN |
| | Examiner | Art Unit | |
| | Mary J. Steelman | 2122 | |

*--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

THE REPLY FILED 10 December 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

<u>PERIOD FOR REPLY</u> [check either a) or b)]

a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

    (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

    (b) ☐ they raise the issue of new matter (see Note below);

    (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.
    NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet.*

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: *8-23*.

    Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s). _____.

10. ☒ Other: *Attached google.com definition of State Machine.*

Continuation of 5. does NOT place the application in condition for allowance because:
Applicant has argued, in substance, the following:

(A) Regarding claims 8 and 23, as pointed out on page 2, 4th paragraph, of Remarks, submitted 10 December 2004, "the preambles recite a computer program product..."

Examiner's Response: The Mead reference suggests a computer program product. Col. 3, lines 20-30, "A computer will contain the data procesor sructures, a program memory module for providing the programfor instructing the data processing and a state machine controller...the state machine controller includesa micro program control circuit...The program memory module...stores the many different program segments required..." Thus Mead shows a computer program product residing on a computer usable medium.


(B) Regarding claims 8 and 23, as pointed out on page 2, 4th paragraph, "the preambles recite a computer program product..."

Examiner's Response: Mead discolsed a computer program product, col. 3, lines 22-30, "A computer will contain the data processor structures, a program memory module for providing the program for instructing the dat processing and a state machine controller...state machine controller includes a program tracker circuit, and a micro program control circuit..The program memory module...stores the many different program segments required..." Thus, Mead disclosed "A computer program product residing on a computer usable medium... as claimed in the limitations of claims 8 and 23.

(C) Regarding claims 8, 15, 22 and 23, as pointed out on page 3, 1st paragraph, "The claimed SET_UP state is not a label merely created by programmer".

Examiner's Response: A state machine specifices behavior in response to events. The fact is that the claimed invention, in response to an event, jumps to a label, whatever the label is named, and executes the behavior specified in the program segment. Col. 6, lines 4-11, "a program segment can be called by merely placing the label of said segment on the control bus, instructing the label table to read out the program segment address, which is loaded...serves as the address of the program segment...This sequence is performed under control of the micro program control." Thus, Mead disclosed that a 'state' label may be referenced, causing the micro program control to execute the related program sequence. In response to events, the micro program controller jumps to a labeled state, as indicated in the program, whatever the state is named. The name of the state is not relevant.

(D) Regarding claims 8, 15, 22 and 23, as pointed out on page 3, 2nd paragraph, "Mead does not teach or suggest a state machine at all.
Examiner's Response: Examiner disagrees. Col. 2, line 26 refers to "the state machine controller". As defined at google.com, and attached heretowith, a state machine is defined as "a behavior that specifies the sequences of states that an object or an interaction goes through during its life in response to events..." Mead's state machine, references a label table, to determine the address of the next program segment. This sequence is performed under control of the micro program control (col. 6, lines 9-11).

WEI Y. ZHEN
PRIMARY EXAMINER